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DATE MAILED: 07/27/2004

ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE FIRST NAMED INVENTOR 706441US2 8986 08/22/2003 Louis A. Rhodes 10/646,016 EXAMINER 7590 07/27/2004 GUTMAN, HILARY L Donald J Wallace DaimlerChrysler Intellectual Capital Corporation ART UNIT PAPER NUMBER CIMS 483-02-19 800 Chrysler Drive East 3612 Auburn Hills, MI 48326-2757

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/848,016		Application No.	Applicant(s)		
Hillary Gutman 3912 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thirty (30) stays, a reply within the statistory enterior and produced to traps to specified above is less than thirty (30) stays, a reply main the statistory enterior and produced to traps to specified above is less than the produced and the produced and the produced to traps to specified above is less than the produced and the produced a		10/646,016	RHODES ET AL.		
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Application/Control Number: 10/646,016

Art Unit: 3612

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because on line 2, "tube" should be "tub". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 2, 6, 8-10, 14, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2735081.

FR '081 discloses a seat assembly for a motor vehicle having a tub (Figure 2) disposed at least partially in a floor of the vehicle, the seat assembly comprising: a seat cushion 1 translatable on at least one track 15 to a position generally vertically above the tub (but offset therefrom), the seat cushion being stowable or capable of being stowed in the tub; the at least one track 15 is disposed generally laterally in the vehicle.

With regard to claim 6, at least one leg 10 extends between the seat cushion and the at least one track.

With regard to claim 8, the at least one leg is releasably connected to the at least one track.

Page 3

With regard to claim 9, at least one second leg 10 (Figure 1) is connected to the seat cushion, the at least one second leg being disposed inboard in the vehicle from the at least one leg.

For claim 10, FR '081 discloses a seat assembly for a motor vehicle having a floor (Figure 2), the seat assembly comprising: at least one track 15 disposed generally laterally in the vehicle; a tub (Figure 2) disposed at least partially in the floor; and a seat cushion 1 translatable on the at least one track to a position generally vertically above the tub (but offset therefrom), the seat cushion being "stowable" or capable of being stowed in the tub.

With regard to claim 14, at least one leg 10 extends between the seat cushion and the at least one track.

With regard to claim 16, the at least one leg is releasably connected to the at least one track.

With regard to claim 17, at least one second leg 10 is connected to the seat cushion, the at least one second leg being disposed inboard in the vehicle from the at least one leg.

Allowable Subject Matter

- 4. The indicated allowability of claims 2 and 10, 14, and 16-17 is withdrawn in view of the newly discovered reference(s) to FR '081. Rejections based on the newly cited reference(s) follow.
- 5. Claims 3-4 and 18-20 are allowed.

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6. Claims 5, 7, 11-13, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 2-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10. Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label

"PROPOSED" or "DRAFT").

Hilary Gutman